

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

CITY OF DETROIT, MICHIGAN,

Debtor.

)
) Chapter 9
)
) Case No. 13-53846
)
) Hon. Steven W. Rhodes
)

***EX PARTE MOTION TO EXPEDITE HEARING ON MICHIGAN COUNCIL 25 OF
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO, MOTION FOR ENTRY OF AN ORDER MODIFYING THE
AUTOMATIC STAY SOLELY TO ALLOW ADMINISTRATIVE LAW JUDGE TO
EXECUTE HIS OPINION AND LIQUIDATE DAMAGE AWARD BEFORE HE
RETIREES ON OCTOBER 4, 2013***

The Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO (“**AFSCME**”) by its counsel requests that this Court expedite hearing of *The Michigan Council 25 Of The American Federation Of State, County And Municipal Employees, AFL-CIO, Motion For Entry Of An Order Modifying The Automatic Stay Solely To Allow Administrative Law Judge To Execute His Opinion And Liquidate Damage Award Before He Retires on October 4, 2013* (the “**MERC Motion**”). As grounds for this motion to expedite, AFSCME states as follows:

1. AFSCME filed the MERC Motion to modify the automatic stay imposed pursuant to sections 362 and 922 of the Bankruptcy Code solely to permit Council 25 to liquidate the dollar amount of an award made pursuant to legal proceedings against the above-captioned Debtor in a matter before the Michigan Employment Relations Commission (“**MERC**”). AFSCME filed the MERC Motion in order to facilitate the liquidation of AFSCME’s damages in connection with an already-issued bench decision by one of the MERC’s administrative law judges (“**ALJ**”). By the MERC Motion, AFSCME requests that

the proceedings before the MERC be permitted to continue to allow the damages determination to be made by the ALJ who rendered the decision.

2. As discussed further in the MERC Motion, on February 8, 2013, ALJ Doyle O'Connor ("ALJ O'Connor") of the MERC heard oral argument on, and decided to recommend to the MERC for entry of a final order a resolution in AFSCME's favor of, an unfair labor practice charge (the "ULP") filed by AFSCME against the Debtor (Case Number C12-E-092, Docket Number 12-000777).

3. Following ALJ O'Connor's February 8 bench decision, the parties submitted supplemental briefing on the appropriate remedy to be ordered by the ALJ. As of July 18, 2013, ALJ O'Connor had not yet issued his written decision which, among other things, would have referred this matter to the MERC to liquidate the dollar amount of the award.

4. ALJ O'Connor, the judge with the institutional knowledge of the matters at hand, is scheduled to retire on October 4, 2013. It is AFSCME's understanding that ALJ O'Connor would enter the appropriate order referring the liquidation of the amount of the award, if any, to redress the unfair labor practice charge awarded in AFSCME's favor to the MERC if this Court approves the limited relief requested in the MERC Motion on or before October 4, 2013.

5. Accordingly, AFSCME respectfully requests that this Court expedite consideration of the MERC Motion which asks this Court to allow ALJ O'Connor to execute his recommended opinion and affix a dollar amount to the damages incurred in the unfair labor practice charge litigation prior to his departure on October 4, 2013.

WHEREFORE, AFSCME respectfully requests that this Court: (1) enter an order substantially in the form attached hereto as Exhibit 1, granting the relief sought herein; and (ii) grant such other and further relief to AFSCME as the Court may deem proper.

Dated: September 23, 2013

LOWENSTEIN SANDLER LLP

By: /s/ Sharon L. Levine

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Chapter 98, City of Detroit Retirees*

SUMMARY OF ATTACHMENTS

The following documents are attached to this Motion, labeled in accordance with Local Rule 9014-1(b).

Exhibit 1	Proposed Form of Order
Exhibit 2	Certificate of Service

EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
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EX PARTE ORDER GRANTING MOTION TO EXPEDITE

This matter coming before the Court on the *ex parte* motion (the “**Motion**”) of the Michigan Council 25 of the American Federation of State, County & Municipal Employees, AFL-CIO (“**AFSCME**”) for expedited consideration of *The Michigan Council 25 Of The American Federation Of State, County And Municipal Employees, AFL-CIO, Motion For Entry Of An Order Modifying The Automatic Stay Solely To Allow Administrative Law Judge To Execute His Opinion And Liquidate Damage Award Before He Retires on October 4, 2013* (the “**MERC Motion**”), filed by AFSCME; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. A hearing on the MERC Motion is scheduled for _____,
2013 at ____:00 ____m.

Signed on _____

Steven Rhodes
United States Bankruptcy Judge

EXHIBIT 2

**UNITED STATES BANKRUPTCY COURT
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CERTIFICATE OF SERVICE

The undersigned certifies that on September 23, 2013, the *Ex Parte Motion to Expedite Hearing on The Michigan Council 25 Of The American Federation Of State, County And Municipal Employees, AFL-CIO, Motion For Entry Of An Order Modifying The Automatic Stay Solely To Allow Administrative Law Judge To Execute His Opinion And Liquidate Damage Award Before He Retires on October 4, 2013* was filed with the Clerk of the Court using the CM/ECF system, which provides electronic notification of such filing to all counsel of record.

Dated: September 23, 2013

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